

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER GAMMONE, on behalf of himself  
And all others similarly situated,

Plaintiff,

Case No.: 2:19-cv-00169

v.

NOTICE OF REMOVAL

ALLIED INTERSTATE, LLC,

Defendant.

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TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Pursuant to 28 U.S.C. §§ 1331 and 1441 *et seq.*, and 15 U.S.C. § 1692 *et seq.*, Defendant, Allied Interstate, LLC ("Defendant"), hereby gives notice of removal of this cause of action, under the caption *Christopher Gammone, on behalf of himself and all others similarly situated v. Allied Interstate, LLC* from the Supreme Court of the State of New York, County of Nassau, under Index No.: 610300/2018 ("State Court Action") to the United States District Court for the Eastern District of New York. In support of removal, Defendant, by and through its attorneys, states as follows:

1. On December 13, 2018, Defendant was served in this matter via service on its New York registered agent through certified mail postmarked December 10, 2018. A copy of the Complaint was not served at this time on Defendant, nor was it filed in the Supreme Court of the State of New York, County of Nassau. (*See* state court docket, attached hereto as Exhibit "A".) A true copy of the served Summons with Notice, Notice of Electronic Filing, Exhibit A-Collection Letter and Affidavit of Service are attached hereto and marked as Exhibit "B".

2. Pursuant to CPLR § 320(a), Defendant's time to appear by serving an answer, a notice of appearance of a motion which has the effect of extending the time to answer expires on January 9, 2019.

3. This action is a civil action of which this Honorable Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(b) in that it presents a federal question, wherein Plaintiff alleges violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.* This Court is the proper district for removal because the Supreme Court of the State of New York, Nassau County is located within the jurisdiction of the United States District Court for the Eastern District of New York.

4. As Defendant was served on December 10, 2018, this removal, which is filed within 30 days thereof, is timely.

5. The undersigned is not aware of any other Defendants to these proceedings who would be required to consent to removal.

6. The undersigned is not aware of any other documents that have been filed in this matter.

7. Notice of this removal will be filed with the Supreme Court of the State of New York, County of Nassau and served on Plaintiff.

8. By virtue of this Notice of Removal of Action and the Notice filed in the Action, Defendant does not waive its rights to assert any personal jurisdictional defenses or file other pre-answer motions including Federal Rule of Civil Procedure 12 motions and/or motions to compel arbitration as permitted by the Federal Rules of Civil Procedure.

WHEREFORE, Defendant requests that further proceedings in the Supreme Court of the State of New York, County of Nassau, be discontinued and that this action be removed in its entirety to the United States District Court for the Eastern District of New York, which will then assume full jurisdiction over this cause of action.

Dated: January 9, 2019

By /s/ Michael T. Etmund  
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